

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TROY HARDENBROOK,

Defendant.

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Case No. 8:10CR240

ORDER

This case is before the court on the defendant's Motion to Disclose Identity of Confidential Informant and Request for Evidentiary Hearing and Oral Argument (#24).

Troy Hardenbrook, the defendant in this case, moves the court for an order requiring the United States reveal the name of a confidential informant (CI). The court has received the government's Response to Defendant's Motion to Disclose Identity of Confidential Informant (#27). In its response, the government admits that the confidential informant used was involved in direct narcotic buys from the defendant and that such buys involve the indicted offenses. Because of safety concerns and an ongoing investigation, the government requests the release of the information be delayed until one week prior to the trial. This is the same position the government took prior to the filing of the motion. The defendant notes in his motion to disclose that one week is insufficient to adequately prepare a defense.

After applying the law to the facts of this case, I find the defendant has established beyond mere speculation, given the admissions of the government, the CI was directly involved in the indictment charges and that disclosure of the identity of the confidential informant is material to the determination of the case. Therefore,

IT IS ORDERED:

1. The defendant's Motion to Disclose Identity of Confidential Informant (#24) is granted as to the disclosure of the name of the confidential informant.
2. The government is ordered to reveal the name of the confidential informant to the defendant fourteen (14) days prior to defendant's trial date.
3. The motion is overruled as to defendant's request for an evidentiary hearing and oral argument.
4. A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

Dated this 25th day of August 2010.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge